

May 5, 2004 BZA



REQUEST ANALYSIS
AND
RECOMMENDATION

04AN0253

Christopher M. Harper

Matoaca Magisterial District
Vicinity of 9601 Hickory Road

- REQUESTS:** I. A Variance to use a parcel of land which has no public road frontage for dwelling purposes for an existing dwelling.
- II. A 11.4 foot Variance to the twenty (20) foot side yard setback requirement for an existing accessory building (shed).

RECOMMENDATION

Recommend approval of these requests for the following reasons:

- A. Variances will not impair the character of this area.
- B. Variances will not reduce or impair the value of the buildings or property in the surrounding area.

GENERAL INFORMATION

Location:

This request lies on 24.7 acres located approximately 1,465 feet south of Hickory Road measured from a point .75 mile east of River Road in the vicinity of 9601 Hickory Road. Tax ID 759-622-Part of 1250. Access will be across 759-623-Part of 4147 (Sheet 40).

Existing Zoning:

A

Size:

24.7 acres

Existing Land Use:

Residential

Adjacent Zoning and Land Use:

North - A; Residential and vacant
South - A; Residential
East - A; Residential and vacant
West - A; Residential

Utilities:

Private well and septic system

General Plan:

(Southern and Western Area Plan)

Residential
(1 – 5 acre lots)

DISCUSSION

The applicant requests a Variance to use a parcel of land which has no public road frontage for dwelling purposes. The access to the dwelling will be over a private easement from Point A to Point C, as shown on the attached map. The applicant has also indicated the existing accessory building (shed) is located 8.6 feet from the side property line, whereas the Zoning Ordinance requires a twenty (20) foot setback. Therefore, the applicant is requesting a 11.4 foot Variance (see attached).

The applicant provides the following justification in support of these requests:

The applicant desires to make a family split to enable a member of his family to live in an existing second dwelling located on Parcel B shown on the attached exhibit. Under Planning Department regulations, the granting of that Variance requires that the adjoining parcel obtain a Variance also because of no public road frontage. In addition, the new property line requires issuance of a side yard setback Variance of 11.4 feet on Parcel A and a side yard setback Variance of 11.4 feet on Parcel B because of the nearness of the pool house and the shed to the new property line.

The Board of Zoning Appeals hears requests for no public road frontage when the subject property was recorded prior to 1980, is being subdivided and sold or given to a member of the property

owner's immediate family or complies with the plat validation process. In this case, the property owner will be required to comply with the plat validation process requirements.

Staff visited the property and observed two (2) existing dwellings and several accessory buildings. Staff also observed a fifteen (15) foot asphalt driveway that the applicant has indicated he uses to ingress and egress the property.

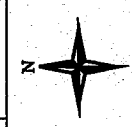
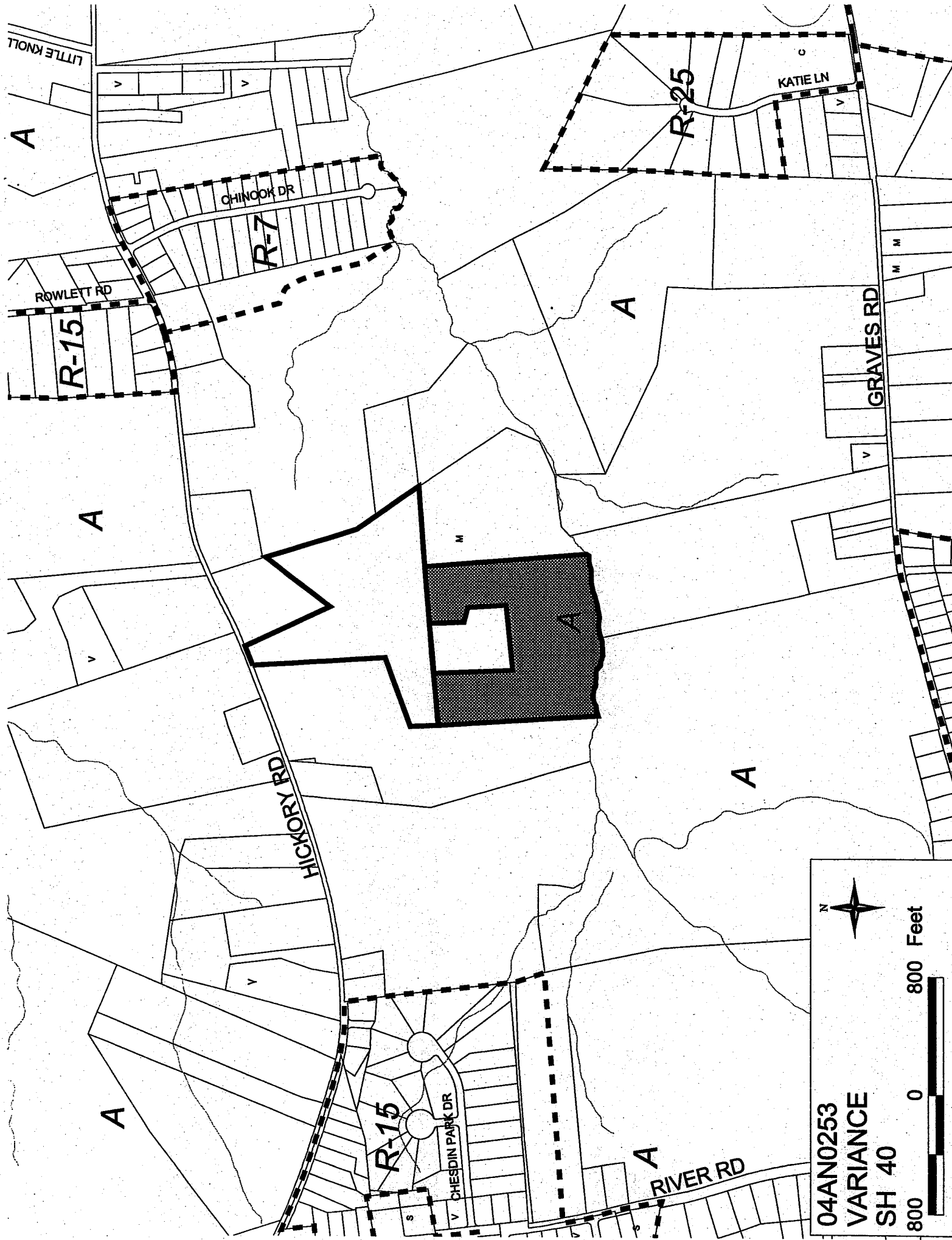
The Chesterfield County Fire Department has requested that applicants with this type of request provide a fifteen (15) foot wide, all-weather road from the State maintained road to the dwelling capable of supporting fire equipment and/or ambulances. The road shall have at least a fourteen (14) foot clearance to overhanging objects.

Staff reviewed the application and site plan relative to this request. Staff finds the first dwelling was constructed in the early 1900's before road frontage was required. The second dwelling was constructed in the 1990's. At that time the kitchen was removed from the first dwelling thereby rendering it not a dwelling. The applicant would like to re-install the kitchen and allow his mother to reside there. Staff cannot identify any alternative to these requests other than removal of the dwellings and accessory buildings, which would be an unreasonable hardship. Additionally, staff believes that this request will not reduce or impair the value of the dwellings or property in the area. Therefore, because the dwellings have been on the property for approximately 100 years for the first dwelling and approximately fifteen (15) years for the second dwelling and no other alternative other than removal exists, staff supports these requests.

CONDITIONS

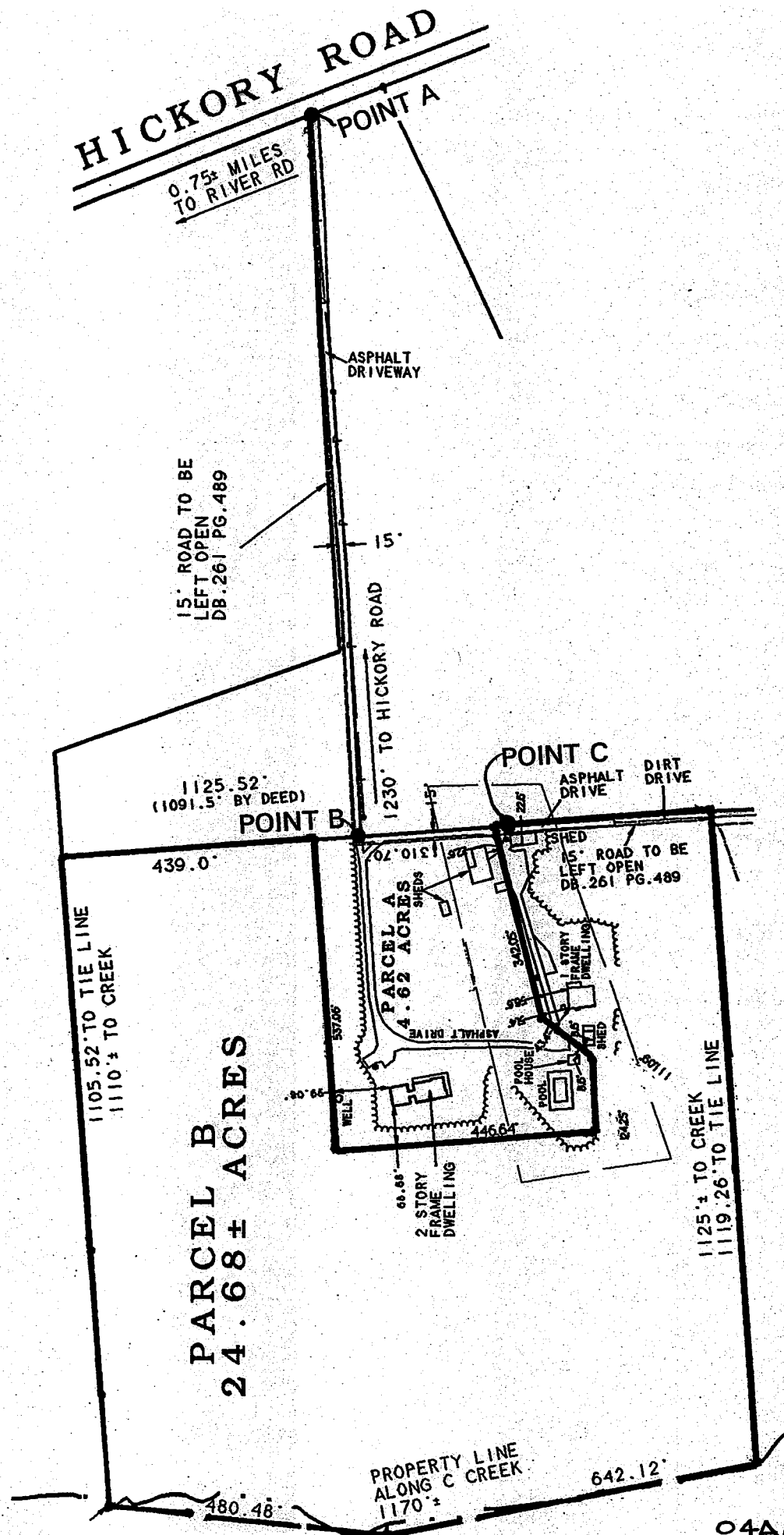
1. Within thirty (30) days, the applicant shall provide a copy of a recorded instrument which will include the following:
 - a) A thirty (30) foot wide private access easement from Point A to Point C as shown on the plat attached to the staff report. The instrument shall require that no structure or fence shall be constructed to block the easement and shall require the land owner of the subject parcel to be responsible for maintenance of the access in accordance with the standards set forth below, or
 - b) If the access involves the use of a dedicated and unimproved County right of way, the applicant shall provide a copy of the approved license agreement with the County.
2. Within the thirty (30) foot wide private access easements or rights of way, a fifteen (15) foot wide roadway shall be constructed and/or maintained. Prior to issuing a Certificate of Occupancy, the Planning Department and if required, the Fire Department, shall inspect this roadway to determine its compliance with the following standards:

- a) The roadway shall consist of not less than the following: compacted soil subbase with six (6) inches of compacted 21-B crushed stone. If an asphalt based surface is to be applied, it shall be designed and constructed to Chesterfield County subdivision street requirements or an equivalent design approved by the subdivision team, capable of supporting the projected 75,000 pound vehicle weight. The roadway shall not be approved if it is rutted or potholed and shall be maintained to this standard.
 - b) There shall be an additional three (3) foot clear area beyond the edge of the roadway.
 - c) There shall be a minimum vertical clearance of fourteen (14) feet of area above the roadway.
 - d) The roadway shall have a maximum grade of ten (10) percent with an appropriate transition at the street connection, unless otherwise approved by the Fire Department.
 - e) The minimum inside turning radius for any curve shall be twenty-seven (27) feet.
 - f) Any cross drains shall be designed to accommodate a minimum ten (10) year storm.
3. The County shall not issue a Certificate of Occupancy for any structure which is located on a roadway not meeting Condition 2 a-f .
4. The house number shall be installed on the mailbox or a pole and located at the driveway entrance of the State maintained road as well as at the driveway entrance to the property. The house numbers shall be displayed in at least four (4) inch high numbers.
5. The applicant shall not further subdivide this property, including any family subdivisions, unless public road frontage is provided.



04AN0253
VARIANCE
SH 40





04AN0253-1